

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 20-20033



MALIBU MEDIA, L.L.C.,

Plaintiff–Appellee,

versus

JOHN JOHNSTON,

Defendant–Appellant.

4:19-CV-1720

A True Copy
Certified order issued Mar 03, 2020

Style W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

United States Courts
Southern District of Texas
FILED

March 03, 2020

Appeal from the United States District Court
for the Southern District of Texas

David J. Bradley, Clerk of Court

Before SMITH, DENNIS, and DUNCAN, Circuit Judges.

PER CURIAM:

This court must examine the basis of its jurisdiction, on its own motion if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir. 2000). In this copyright case, the defendant filed a notice of appeal from an order dismissing his counterclaim. The court left all of the plaintiff's claims pending against defendant. When an action involves multiple claims, any decision that disposes of fewer than all the claims does not terminate the litigation and is not appealable unless certified under Federal Rule of Civil Procedure 54(b). *See Borne v. A & P Boat Rentals No. 4, Inc.*, 755 F.2d 1131, 1133 (5th Cir. 1985). Accordingly, the appeal is DISMISSED for want of jurisdiction.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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March 03, 2020

Mr. David J. Bradley
Southern District of Texas, Houston
United States District Court
515 Rusk Street
Room 5300
Houston, TX 77002

No. 20-20033 Malibu Media, L.L.C. v. John Johnston
USDC No. 4:19-CV-1720

Dear Mr. Bradley,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Shawn D. Henderson, Deputy Clerk
504-310-7668

cc w/encl:

Mr. Paul Stephen Beik
Mr. Delphine M. James